

Plaintiffs in this cause move for leave to file Motion for Leave to File Plaintiffs' Revised Complaint Late, and for would show:

1. On March 28, 2023, this Court set a deadline of May 1, 2023, for the Plaintiffs to file an amended complaint, if any.
2. The Western District of Texas CM/ECF system was scheduled to be unavailable for maintenance until 8am CST on Monday, May 1, 2023. However, the system remained unavailable for filing through the entirety of May 1, 2023, with a note that the warning of the outage would be removed once the system was back running. Undersigned counsel emailed the ECF help address after waiting through 11:00pm on May 1. A response was sent at 3:11pm on May 2, 2023 that the system was back and how to proceed to file the document.
3. Undersigned counsel is currently on a pre-scheduled vacation for her mother's 70th birthday on a ship in the Mediterranean Sea. Arrangements were made to have the necessary internet access on May 1, 2023, in order to meet the deadline to file the amended complaint. However, prior to the restoration of the ECF system and the response from the ECF help account, the ship left land, and the internet access became unstable and largely unavailable.
4. Upon returning to land this morning, May 4, 2023, undersigned counsel confirmed that the numerous attempts to connect and upload the revised complaint once the ECF system was restored were unsuccessful.
5. Per the Local Rules of the Western District of Texas, "A Filing User whose electronic filing is or would be made untimely as the result of a technical failure in the Court's electronic filing system may seek appropriate relief from the Presiding Judge in the

case.” Section 17(b). As this was a combination of a failure of the Court’s e-filing system and the user’s internet difficulties, the required Declaration That Filing User Was Unable to File in a Timely Manner Due to Technical Difficulties is attached as required by the local rules.

Wherefore, Plaintiffs pray that the Court grant leave to file their Revised Complaint.

Respectfully Submitted,

s/Angelica Cogliano
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United States District Court for the Western District of Texas
Administrative Policies and Procedures for Electronic Filing

EXHIBIT 2
DECLARATION THAT FILING USER WAS UNABLE TO FILE
IN A TIMELY MANNER DUE TO TECHNICAL DIFFICULTIES

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
Austin DIVISION

DECLARATION THAT FILING USER WAS UNABLE TO FILE
IN A TIMELY MANNER DUE TO TECHNICAL DIFFICULTIES

Case Number: 1:22-CV-397-RP Party: Plaintiff
Filing User: Angelica Cogliano State Bar Number: 24101635
E-mail Address: Angelica@coglianolaw.com Telephone Number: 512-478-0758
Title of Document: PLAINTIFFS' REVISED COMPLAINT

Filing Deadline Date: (if any): May 1, 2023

Please take notice that the above named Filing User was unable to file the attached document in a timely manner due to technical difficulties. The reason(s) that I was unable to file this document(s) in an electronic format and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

Please check all that apply:

- ☐ Malfunction of Filing User's computer hardware
☐ Malfunction of Filing User's scanner
☐ Malfunction of Filing User's software
☒ Malfunction of Filing User's telecommunications capability

Undersigned counsel is currently on a pre-scheduled vacation for her mother's 70th birthday on a ship in the Mediterranean Sea. Arrangements were made to have the necessary internet access on May 1, 2023, in order to meet the deadline to file the amended complaint. However, prior to the restoration of the ECF system and the response from the ECF help account on May 2, 2023, the ship left land, and the internet access became unstable and largely unavailable. Upon returning to land this morning, May 4, 2023, undersigned counsel confirmed that the numerous attempts to connect and upload the revised complaint once the ECF system was restored were unsuccessful. See motion for more details.

I declare under penalty of perjury that the foregoing is true and correct.


